IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.9817 of 1997

Between:

L.Pentaiah, S/o.Lakshmaiah, 37 years, R/o.H.No.11-12-377, A4/22, Srinivasanagar, Secunderabad.

...PETITIONER

AND

1. The Labour Court-I, rep.by its Presiding Officer, 2nd Floor, Chandravihar Building, M.J.Road, Hyderabad.

2. The Management of Indian Overseas Bank, (Adarshnagar Branch), rep.by its Manager, 5-9-30/5, Paiga Plaza, Bashir Bagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Certiorari, and quash the Award passed by the 1st respondent in I.D.No.9 of 1991 dated 30.05.1996, published on 31.08.1996, as illegal, unjust, contrary to law and perverse, and the grant the relief of reinstatement to the petitioner with full back wages and with all other consequential benefits.

Counsel for the Petitioner: MR.M.VIJAYA KUMAR GOUD

Counsel for the Respondents: MR.M.V.K.VISWANADHAM

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.9817 of 1997

ORDER:

Heard both sides.

The petitioner, who claims to be the employee of the second respondent herein, files this Writ Petition *inter alia* seeking for a Writ of Certiorari, challenging the award dated 30.05.1996 passed in I.D.No.9 of 1991 on the file of the Labour Court-I, Hyderabad, as published on 31.08.1996 as illegal.

The case of the petitioner in brief is that he has joined in the second respondent-Bank, which was at the relevant point of time known as Bank of Tamilnadu Limited, as Sweeper on 09.04.1981. However, having regard to the illegal termination on 03.01.1982 by retiring several of his juniors, the petitioner has raised the dispute, which was ultimately taken up as I.D.No.9 of 1991. Upon contesting and after regular enquiry, the first respondent has found that there was a serious dispute in regard to the period from 09.04.1981 to 03.01.1982, during which there is no continuance in service, though the petitioner claims to be so. With that finding and

also the fact that the petitioner has invoked the provisions of the Industrial Disputes Act, 1947 after 9 ½ years, there being serious latches and delay on his part, no relief as such can be given. Hence the Labour Court-I, Hyderabad answered in negative that the petitioner is not entitled for any relief.

Though several contentions have been urged in this Writ Petition, however, the fact remains that having regard to the finding that the services of the petitioner from 09.04.1981 to 03.01.1982 not continuous and further, the said Bank of Tamilnadu Limited having merged with the Indian Overseas Bank and further, there being such a delay for which there is no proper explanation, all these aspects constitute a clear finding of fact and rest only on appreciation of the facts and material, which this Court cannot go into in exercise of its powers under Article 226 of the Constitution of India. Further, even as against the said finding, nothing has been made out on behalf of the petitioner to show that in any way perverse or based upon on any valid material or evidence. In the circumstances, I do not find any merits in the Writ Petition.

Accordingly, the Writ Petition is dismissed.

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(B.PRAKASH RAO, J)

14th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Presiding Officer, Labour Court-I, 2nd Floor, Chandravihar Building, M.J.Road, Hyderabad.
2. The Manager, Management of Indian Overseas Bank, (Adarshnagar Branch), 5-9-30/5, Paiga Plaza, Bashir Bagh, Hyderabad.
3. Two CD copies.